

REMARKS

Claims 50 and 52-65 were pending in this application. Claims 56, 57 and 60-65 have been cancelled without prejudice. Applicants reserve the right to prosecute the cancelled subject matter and claims in one or more related applications. Claim 50 has been amended to recite that the dosage form for reducing restenosis comprises a cytostatic amount of a therapeutic agent which is selected from the specific recited agents. Claims 54, 55 and 58, which depend from claim 50, have been amended accordingly. Support for the claim amendment can be found in the originally-filed specification at, *e.g.*, page 8, lines 1-14, and page 31, line 8 to page 34, line 17. No new matter has been introduced.

Reconsideration and allowance of the present application in view of the amendments and following remarks are respectfully requested.

I. The Rejection Under 35 U.S.C. § 112, First Paragraph Should Be Withdrawn

Claims 50 and 52-65 are rejected under 35 U.S.C. § 112, first paragraph, as allegedly containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the art that the inventors, at the time the application was filed, had possession of the claimed invention. Specifically, the Examiner rejected the pending claims as allegedly encompassing a large genus of agents not adequately described in the specification. (Office Action, page 3). The Examiner further contends that claim 50 describes “what the therapeutic agent is not, instead of what it is.” (Office Action, page 3).

For the reasons presented in the Reply under 37 C.F.R. § 1.111 filed September 29, 2008, Applicants disagree with this rejection. Nevertheless, solely to expedite prosecution of the application, Applicants have amended claim 50 to recite specific therapeutic agents for the claimed method for reducing restenosis. As such, the rejection under 35 U.S.C. § 112, first paragraph is believed to be obviated and thus should be withdrawn.

II. The Rejection Under 35 U.S.C. § 112, Second Paragraph Should Be Withdrawn

The Examiner also rejected claims 54 and 55 under 35 U.S.C. § 112, second paragraph, on the ground that the terms “cytostatic agent”, “anti-migratory agent”, “cytoskeletal inhibitor”,

Appl. No. 09/910,388
Attorney Docket No. 10177-211-999
Reply dated April 23, 2009
In response to Office Action mailed Dec. 23, 2008

and "anti-matrix agent" recited in these claims allegedly lack clear antecedent basis. These terms are no longer recited in amended claims 54 and 55. As such, the rejection under 35 U.S.C. § 112, second paragraph is believed to be obviated and thus should be withdrawn.

CONCLUSION

As all rejections are believed to be overcome, all claims are believed to be in condition for allowance. An early notice to that effect would be appreciated. Should the Examiner not agree with Applicants' position, then a personal or telephonic interview is respectfully requested to discuss any remaining issues and expedite the eventual allowance of the application.

Date: April 23, 2009

Respectfully submitted,


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Enclosures